

REMARKS

Claims 1-23 are pending. By this response, claims 1, 7 and 13 are amended. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

Claims 1-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tanaka et al. (US 2001/0022624) in view of Romanik et al. (US 2003/0018802) and claims 19-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tanaka, Romanik and Shibazak (US 6,012,069). These rejections are respectfully traversed.

Claims 1, 7 and 13 each recite, *inter alia*, specifying a portion of or all of the information items of the accompanying information to be used for image classification, and for specifying priority among the specified information items and image classification means for classifying the image data sets into groups having a hierarchical structure of the specified information items according to the specified priority, where the image data sets are stored in a folder associated with the information item of the lowest level in the hierarchical structure.

In embodiments of the present invention as defined by claims 1, 7 and 13, a priority is specified for certain information items in which image data sets are classified into groups each group having a hierarchal structure associated with it as it pertains to the information items. The image data sets are stored in the folder associated with the information item in the lowest level of the hierarchical structure. FIG. 3 of the present application shows an example of these features. For example, "Tokyo Disneyland" is the information item of the highest level and "10th" is the information of the lowest level. Various different information items are provided between the highest and lowest levels for each one of these information items has a specified priority.

In the Office Action, it is asserted that Tanaka does not teach or suggest specifying priority of information items in classifying images into groups according to a specified priority. Romanik is relied upon to remedy these deficiencies of Tanaka. Specifically, page 5, paragraph 44 and page 6, paragraph 47 of Romanik are relied upon. Applicant respectfully submits that Romanik fails to remedy Tanaka's deficiencies.

In Romanik, a classification occurs at the image level. Each image is classified separately. Further, the important images are prioritized for the least important images. Thus, at best, a hierarchical structure of images is obtained and not information items. This is evident from Romanik's disclosure in which at paragraph 44 it states that "classification information, if any, which is attached to an image can be reviewed to determine the importance of the image." Paragraph 47 states "some images are more important or more desired than other images, and this system can prioritize and reduce the least important images first." Romanik does not teach or suggest prioritization of information items and classification based on the hierarchical structure of the specified information items. Romanik at best teaches the prioritization of the images themselves. However, Applicants do not claim the prioritization of the images themselves and thus Romanik's teachings cannot be relied upon to provide Applicant's claimed features.

Prioritizing and classification by itself is not a new concept. However, how it is applied and implemented can be novel. Tanaka and Romanik do not teach or suggest the claimed prioritizing and classification techniques recited by the features of independent claims 1, 7 and 13.

Further, although Shibazak is not used in the rejection of the independent claims 1, 7 and 13, it is alleged that Shibazak also teaches specifying a priority of information items in classification of images into groups

according to the priority. Shibazak, however, like Romanik teaches the classifying of images themselves and not information items. Thus, as with Romanik, Shibazak fails to teach or suggests Applicant's claimed features.

In view of the above, Applicant respectfully submits that the combination of references fails to teach each and every feature of the independent claims 1, 7 and 13 as required. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Conclusion


For at least the above reasons Applicant respectfully submits claims 1-23 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings Reg. No. 48,917 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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